

REMARKS

Reconsideration and allowance of the claims are requested in view of at least the above amendments and the following remarks. Claims 1, 2, 22, 25, 29-31, 49, 52, 63, 64 and 66 have been amended. Support for the amendments to the claims may be found throughout the specification and claims as originally filed. No new matter has been added.

Upon entry of the amendments, claims 1-16, 20-23, 25-44, 48-50, 52-59, 63-64 and 66-77 will be pending in the present application including independent claims 1, 2, 25, 29, 30, 31, 52 and 63.

1. Claim Objections

The Office Action objects to claim 66 for being inconsistent with claim 63. Applicants have herein amended claim 66 to delete the reference to status information and to instead recite, “information displayed by the first interface and the second interface.” Applicants submit that this amendment should address the Examiner’s concerns.

2. Rejection under 35 U.S.C. § 102(e)

The Office Action rejects claims 1-5, 7-16, 20, 22, 25-34, 36-44, 48-49, 52-59, 63-64, 66-67 and 69-77 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0065698 to Schick *et al.* (“Schick”). Applicants respectfully traverse all of the rejections.

a) The Schick Reference

Schick discloses a system for managing remote assets. (See Schick at Abstract.) The remote assets of Schick, *i.e.*, locomotives (12) and trucks (26), include sensors that sense various parameters of the remote assets. The remote assets then transmit the sensed information

to one or more data centers (18). (See Schick at ¶¶ 22-23.) Customers (24) or other users (18) may access data stored at data centers (18) through one or more web pages. (See Schick at ¶¶ 22-23.) For example, Schick teaches a first web page including information about multiple remote assets. Users may access other web pages including information about a single remote asset by selecting from the first web page a hyperlink relating to the single remote asset. (See Schick at ¶ 26.)

b) Claims 1, 2, 25, 29, 30, 31, 52 and 63

Applicants submit that Schick fails to teach all of the elements of independent claims 1, 2, 29, 30, 31, 52 and 63.

Schick teaches pages including information about more than one of its “remote assets.” (See Schick at Figs. 8-9.) Schick also teaches pages including information about a single “remote asset.” (See Schick at ¶ 26.) However, among other elements, Schick fails to disclose a log-in web page where, “entering a login associated with a first group of users causes the website to display a first web interface dedicated to presenting information associated with a single vehicle, and wherein entering a login associated with one of a second group of users causes the website to display a second web interface presenting information associated with a group of vehicles including the single vehicle,” as recited by claims 1, 2, 30, 31 and 52. Applicants submit that claims 25, 29 and 63 include elements analogous to those of claims 1, 2, 30, 31 and 52. In contrast, the only way to access Schick’s pages to obtain single “remote assets” is by first navigating through pages that include multiple remote assets, such as those shown at Figures 8 and 9 of Schick. Applicants submit that Schick also fails to disclose, among other elements, that the single vehicle web interface is a “customer interface directly accessible by a customer,” as recited by claims 1, 2, 25, 29-31, 62 and 63.

Applicants submit that the claimed embodiments present significant advantages over Schick. For example, the claimed embodiments may be useful to dealerships, service

entities, insurance entities, performance monitoring entities, survey entities, and/or any other entity that manages a fleet of vehicles for individual owners or lessees. Such entities may view information regarding all of their managed vehicles on one web page and may also make separate pages available where customers may view only information specific to a “single vehicle,” for example.

For at least the reasons outlined above, Applicants submit that independent claims 1, 2, 25, 29, 30, 31, 52 and 63, as well as dependent claims 3-16, 20-23, 26-28, 32-44, 48-50, 53-59, 64 and 66-77 that depend directly or indirectly therefrom, are patentable over Schick.

3. Rejections under 35 U.S.C. § 103(a) over Barber *et al.*

The Office Action also rejects claim 68 under §103(a) as being unpatentable over Schick in view of U.S. Patent Application Publication No. 2004/0093134 to Barber *et al.*

Applicants traverse this rejection and note that Barber is not prior art relative to the present application. Under 35 U.S.C. §102(e), a reference may be prior art provided that it is:

- (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language; or

The present application is a continuation of U.S. Patent Application 09/804,888 filed on March 13, 2001. Barber is the result of a Patent Cooperation Treaty (PCT) application filed on August 6, 2001. Although the PCT is the, “treaty defined in section 351(a),” the PCT filing date of Barber does not predate the priority date of the present application. Accordingly, Barber cannot be employed as a prior art reference under §102(e).

Applicants also submit that Barber is not a prior art reference under any other sections including, 35 U.S.C. §§102(a) and (b). Regarding §102(a), Barber is not evidence of what was, “known or used by others in this country,” prior to the priority date because Barber was not filed in the United States until after the present priority date. The Examiner has failed to establish any other reason why Barber would have been accessible in the United States prior to the priority date. In addition, Barber was not patented or published before the priority date. The only publication of Barber that the Examiner has established is the May 13, 2004 publication by the USPTO, which was well after the priority date of the present application. Also, there is no evidence that Barber, or any of its related applications, were patented anywhere in the world prior to the priority date of the present application. Regarding §102(b), all of the enumerated events must predate the invention by, “more than one year.” (See 35 U.S.C. §102(b).) Even Barber’s earliest claimed priority date, September 11, 2000, fails to predate the priority date of the present application by more than a year.

Accordingly, Applicants submit that Barber cannot be employed as a prior art reference and respectfully request that the rejection of claim 68 be withdrawn.

4. Remaining Rejections under 35 U.S.C. §103

The Office Action also rejects claims 6, 21, 23, 35 and 50 under 35 U.S.C. §103(a) as being unpatentable over Schick. Applicants submit that claims 6, 21, 23, 35 and 50 all depend from independent claims that were rejected over Schick under 35 U.S.C. section 102(e). Claims 6, 21 and 23 depend, directly or indirectly, from independent claim 2. Claims 35 and 50 depend, directly or indirectly, from independent claim 31. At least for the reasons explained above, Applicants submit that the independent claims 2 and 31 recite features that are not taught or suggested by Schick and are therefore patentable over Schick. Accordingly, Applicants submit that claims 6, 21, 23, 35 and 50 are also patentable over Schick by virtue of their dependence on claims 2 and 31. (See MPEP § 2143.03, “If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious.”) In

addition to the present remarks, however, Applicants reserve the right to make supplemental arguments as may be necessary, because these and other dependent claims of the present application include additional features that further distinguish the claims from the cited references. A detailed discussion of these distinctions is believed to be unnecessary at this time, however, in view of the basic distinctions identified above with respect to the independent claims.

4. **Conclusion**

In view of at least the above amendments and remarks, reconsideration and allowance are requested for the pending claims. Should the Examiner believe that this application is in condition for disposition other than allowance, the Examiner is invited to contact the undersigned representative to address the Examiner's concerns.

Respectfully submitted,

Date: 12/22/06



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